

MYSORE DASARA



The grandeur of Dasara as a State Festival in the city of Mysore, a seat of cultural heritage, has won acclaim all over the world, and attracts a large number of visitors, both Indian and foreign. The cultural programs held at the Mysore palace, the Jagan Mohan Palace, Kalamandir and the town hall, the sports and wrestling events, colourful procession of Goddess Chamundeshwari, torchlight parade and fireworks at Bannimantap and exhibition mark the main attractions of Dasara. Navarathri is a feast of mother Goddess worshipped in different names and forms such as - mahakali, mahishasura mardhini, chamundi, kali, durga, raktadanta, shakambari and brahmaani. Dasara starts on the first day of Ashwija month. The worship of weapons, ayudhapooja or mahanavami and the victory march of the king along with his army on the tenth day - Vijayadashami were the customary features of the festival in ancient times. It is also called as the festival of dolls, which are arranged in a fascinating manner in the houses of Mysoreans, even today.

This year, the Dasara festivities starts on 19th September 2009 and culminates with the world famous *Jambu Savari* on the 28th September 2009.

Come, join us in the celebrations!

For more details visit: <http://www.mysoredasara.com/>

Dasara of those days



Dasara of these days



Mysore Chapter retains Company Law Quiz Trophy!

Intensive Career Counselling:

Chapter reached more than 10,000 students in 25 colleges in August 09

Chapter Activities ...3

Readers' Voice...5

Articles

Media Capital: Innovative Model for Survival...7

Director: A misleading Designation...8

E-Communication Turns Serious....9

Report

Dream Trip to Edakkal Caves...10

Columns:

IPR: Patent Agent 007.....4

IT for Corp Professionals: Glary Soft...6

Book Review: Management Principles from Indian Epics...6

Living Room: Ideology...6

Legal Roundup...11

News Updates...12

Spectrum Space:

Where to get the Mgmt Training? ...13

Getting Ready for Exams...13

Editors:

CS. Dattatri H M, CS. Sarina C H, CS. Omkar N G,
CS. Rashmi M R, & 'Spectrum' Team

For past editions of eNewsletter click:

<http://www.icsi.edu/mysore> or

<http://www.esnips.com/web/icsimysore>

Mysore Chapter has its eParivaar "CSMysore". To join the eParivaar click:

<http://www.groups.google.com/group/csmysore>

Disclaimer:

Views and other contents expressed or provided by the contributors are their own and the Chapter does not accept any responsibility. The chapter is not in any way responsible for the result of any action taken on the basis of the contents published in this newsletter. All rights reserved.



CS. Anshuman A.S.

Chairman, ICSI Mysore Chapter

Dear Readers,

We had a good number of activities in the month of August ranging from academic to sports. It is a matter of satisfaction that our students have excelled once again in the All India Company Law Quiz. This followed our excellence in the Elocution Competition.

25 Colleges of Mysore city were visited during the month covering more than 10000 students who were informed about the usefulness of pursuing the CS Course. It is gratifying to note that **200 students have joined the course during the month**. As on date, our student strength is 1182. The Managing Committee has taken various steps to ensure sustained quality student service and overall growth of the students.

The result of June 2009 Examinations held by the Institute, though better than the national average, has been disappointing to some extent for the Chapter. Overall, 40% of the students who have taken up the examination have been able to clear. Sustained, Planned, Collaborative study is the need of the hour for our young friends who aspire to become professionals. We are sure that the results of the ensuing December 2009 examinations will be much better with these efforts.

In addition to the introduction of new Companies Bill in the Parliament, the Government has also released the new Direct Tax Code. It is also expected that the Goods and Services Tax will be implemented shortly. The implementation of IFRS adds to professional challenges in the next couple of years. Your chapter will be conducting series of programs to create awareness about these changes shortly.

The Institute is organizing the National Convention in Hyderabad in the first week of November. The convention being held in South India, it is our privilege to associate with it. I request all of you to support the convention in a big way.

* * *

Words worth Millions

Frame every so-called disaster with these words:

"In five years down the line, will this matter?"

* * *

Mysore Team Wins 9th All India Company Law Quiz

Ms. Veena Bhat Devaru and Mr. Chinmaya A.M., Students from Mysore Chapter, representing SIRC of ICSI won the Final Round of 9th All India Company Law Quiz held at Bangalore on 22nd August 2009. Three teams representing EIRC, NIRC & SIRC participated in the above Competition. CS M.R. Gopinath, Practising Company Secretary, Bangalore was the Quiz Master.



Talk On Winning in Academics

Date: 10th August 2009 at Mysore. Ms. Annapurna Srikanth who is the III Rank holder in CA Final Examination talked on the subject. She stressed on the need to have proper attitude and self confidence to start with. The importance of sustained planned preparation for the examination and time management during the examination was emphasized by her. Various study techniques like tagging, visualization etc. was explained. The program was immensely beneficial for the students.



Workshop on Professional Opportunities in Changing Economic Scenario

14th August 2009 at Cauvery College, Virajpet, Coorg District. The workshop was attended by faculty and students of all the colleges of Madikeri District. CS. Anshuman A.S. and CA. T.V. Subramanyam participated in the workshop.

Annual Sports Day



The sparkling and energetic Sports day on 30th August 09 started with a Cricket Match at 7:30AM. CS. M Krishna, Financial Controller of AT&S India Pvt. Ltd. inaugurated the match by playing few strokes. Cricket was followed by Shuttle badminton, Chess, Carrom, Lagori, Running Race

(100 mtrs), Dumb Charades and Musical Chair. The entire day was filled with fun and frolic. Cash awards were sponsored by CS Jayasheela Bhat. The entire event was co-ordinated by Mr. Rakesh, student of the professional program with the support of Management Committee and students.

Career Guidance

For the third year in succession, the chapter launched its intensive Career Guidance Drive during August 2009. Members and students of the chapter conducted 83 sessions of career guidance in **25 colleges in Mysore City covering more than 10,000 students** during the month.

Study Circle Meetings

The chapter conducted study circle meeting for foundation, executive and professional program students on 2nd, 9th and 16th August 2009. Professional Program students and members answered the queries of foundation and executive students.

Webinar

The chapter participated in the WEBINAR organized by Reliance World on "IFRS: An Overview & Opportunities for Members" through out the country at 90 Reliance world outlets on August 22, 2009. Senior members from industry and profession participated in the program.



Press Notes

- Last Date For Joining **Company Secretary Course**
- Mysore Students Win National Level Company Law Quiz
- Mysore Student Wins National Level Elocution Competition
- Mysore Students Secure All India Ranks In Company Secretary Examination

Patent Agent 007 A Bond to Protect an Invention



V. Lokesh,

IP Management, Strategic Planning & Initiatives, L&T Limited, Mysore

Patent Agents are at the cutting edge of science and technology by virtue of the inventions they protect. Working with scientists, researchers and developers of new technologies in biotechnology, information technology and others, patent agents get a first view of the latest in their fields of interest and play a significant role at the preliminary stages of development of new inventions. The role of a patent agent begins when an invention is first conceived. In any organizations generally, the patent agents are the first to assess the invention, with insights to the field of invention from the inventor, by searching prior patents and other publications to determine if the invention is patentable. If the invention appears to be patentable, the patent agent works with the inventor to prepare a document which is sufficient to school anyone else who is skilled in the field of the invention to be able to reproduce and work the invention.

The document prepared by him to lodge at the patent office is called a 'patent specification' - this contains description and drawings showing how the invention is made and operates. The specification is also drafted to contain claims which define, in words, the exclusive rights sought by the inventor for the invention.

How one can become a Patent Agent?

In order to pursue a career as a patent agent a person must be

- A citizen of India
- Must have completed the age of 21 years
- Must have obtained a degree in science, engineering or technology in India
- Must have paid the full prescribed fee
- Must have passed the qualifying examination prescribed for the purpose of becoming a patent agent Or
- Must have worked as the patent examiner or discharged the duties of the patent controller for a period of not less than 10 years but should cease to hold any such capacity at the time of request for registration.

If a person satisfies all the above mentioned criteria and succeeds in the qualifying examination prescribed for the designation of patent agent, his name and other relevant particulars would be included in a register which would be maintained by the patent controller, and such an inclusion would allow the concerned person to act as a patent agent. The qualifying examination consists of three papers namely:

1. Patents Acts and Rules
2. Drafting and interpretation of patent specifications and other documents
3. Viva Voce

All the papers are evaluated for 100 marks and the qualification marks for all the three papers is fifty percent.

The candidate is declared eligible to be a patent agent if she secures aggregate of 60%. A patent agent has the right to practice beneath the patent controller and is also authorized to prepare all the necessary documents, oversee transaction of the business and discharge all the functions that are necessary to be observed to obtain a patent for an invention. The patent examiner is also entitled to authorize all the documents that are necessary to file a patent application. The patent agent would have the exclusive right to authorize all the documents that go through the patent controller.

Patent agents are the first to assess the invention for protecting it. He prepares 'Patent Specification'.

A Patent Agent must be registered with Patent Controller.

Author deals on how to become a patent agent.

A patent agent is also eligible to:

- Apply for or obtain a patent in India and abroad
- Prepare specifications or other documents for the purpose of obtaining a patent in India or abroad
- Provide advice other than of a technical and scientific nature relating to the validity of patents and their infringement

In order to circumvent the participation of unauthorized people as patent agents, it has been made mandatory for all the patent agents to register themselves with the patent controller. Any person would be eligible for such registration if he /she takes up and clears the prescribed qualifying examination. A Patent Agent, who has a law degree to his credit, is known as Patent attorney.

Very good efforts and laudable initiative. If made into a hard copy version and get the postal concession for its mailing every month, this can be a good source of income for the chapter through good advertisements within Karnataka if not at other places.

P S Shastry, SIRC member

It was heartening to receive the News letter. Fraternity of Lucknow based company secretaries definitely appreciate your efforts which will give encouragement to our present Management of Lucknow Chapter of NIRC of ICSI to think in terms of designing and bringing out its own News letter. All efforts, may be however small, will definitely give strength to our Profession in long run. Service to members and students will strengthen our Chapters, Regions and Central Council and services from these offices shall improve scopes of members in service as well as in Practice along with the students. Our best wishes for your further growth.

Dr. C.B. Thapa
Past Chairman, Lucknow Chapter of NIRC of ICSI

CS Mysore Team, Congratulations. You are always the FIRST to come with innovative ideas. The difference between others and Mysore is that you also implement your thoughts. eNewsletter June 2009 is the BEST.

CS A.V.Syamala

Received 66 ICSI Mysore eNewsletter 2009 for the first time. Found it very innovative and useful. With all good wishes for further improvement & improvisation.

Dushyant B Dholakia

The newsletter is well designed and the articles are informative.

Ramakrishna

Heartiest Congratulation for excellent News Letter.

CS. R K Jain,
Chairman, Bhilwara Chapter

Thanks for posting such a wonderful... colorful... meaningful... useful... purposeful news letter. Congratulations to you and your team for doing good work. Thanks a lot for sharing it with the CS. Fraternity so regularly. We all wish you best luck for your wonderful contribution to ICSI.

CS Balachandra Sunku, Hyderabad

I am very happy to receive the e news letter forwarded by you. A glance through the contents reveals that it is very informative and useful and I thought of congratulating immediately all who have taken the initiative to bring out



the eNewsletter. My hearty congratulations and best wishes to all. While thanking you I also take this opportunity to request you to kindly forward e news letters to me in future also.

CS A.Sivadasan
Past Chairman SIRC of ICSI

Many thanks for this gesture. I will be delighted to receive the newsletter.

Iyer B.S

It's an amazing effort by Mysore Chapter. Appreciate the enthusiasm and spirit behind it.

CS. Jayan K. Partner, SVJS & Associates

Kudos to Mysore Chapter. All The Fifteen Pages Are Good. Please continue and don't allow it to go out of scene.

CS. V.Varadarajan, FCS Chennai

The contents of the newsletter are very much informative and threw lights on many important latest issues.

Umesh Pawaskar

I found the news letter interesting and informative. Keep up the good work. All the best.

K V S Mani- Company Secretary -STCI

It is very interesting to read and useful and my best wishes for your collective effort.

CS. Saravanan

It is great idea to share such things with the professional fraternity.

CS. Madhusudan Parkhi

Excellent effort by your institute. I congratulate you on your excellent and sincere effort to widen the knowledge horizons. Very useful to keep abreast of the changes in the dynamic scenario. All the very best in all your future endeavours.

Goverdhan

We are very happy to know about your newsletter. I would like to have every month.

Pramod Kumar Singh
Secretary- Jamshedpur Chapter of ICSI.



All-in-one PC maintenance tool for free

Windows OS that we use day-in and day-out needs to be maintained regularly for optimum performance. If not done regularly, the experience would be similar to driving a two wheeler without any maintenance. I was looking for a hassle free freeware that can take care of all such maintenance work without much effort. And hence I came across "Glary Utilities".

Download "Glary Utilities" a 5.76MB freeware, which is an all in one tool for your PC maintenance tasks. It comes with a "One click a day for PC maintenance" way of maintenance which cleans up all your temp files, registry, browser history etc. If you want more you can move on to the Modules section which has a big list of tools that come in handy.

Startup Manager which manages all applications that runs at startup, File Shredder which securely wipes files from the disk, File Undelete which recovers deleted files (of course, a file wiped with shredder can never be recovered!), File Encrypter to safeguard sensitive data from prying eyes, Duplicate Files Finder which finds duplicate copies of the same file across the system, File Splitter and Joiner which aids in transferring bigger files, are some of the tools that come bundled with Glary Utilities.

Download Glary Utilities form www.glaryutilities.com and follow the "One click a day" mantra.

"Management Principles from the Indian Epics"

Book Review

Anand Wadadekar, M.Com, M.A (Eco), MBA, DIT,
anandwadadekar@gmail.com



I received the book "Management Principles from the Indian Epics" as a Prize for winning the CS Mysore Online Corporate Law Quiz held in August 2009 and would like to give you all an insight into this wonderful book through this Book Review.

This book "Management Principles from the Indian Epics" is of significant importance and is very different from other books on same concept. It helps in understanding the universal Management Principles in Indian Scenario which are not only applicable to corporates but are equally applicable to our day to day life.

The Author has taken examples from Indian Epics like Ramayan, Mahabharat etc. and made it easy to understand those principles. The book is divided into fourteen chapters out of which Chapter Three to Thirteen talk about the Management Principles and co-relate them with Indian Epics. All the chapters are nicely written and are very concise and apt. The language used is very simple and to the point. The author has made the co-relation with such an ease that understanding the applicability of these principles in every walk of life becomes a fun. Various stories & Quotes from Chanakya Niti etc. also make an interesting & thought provoking reading.

The Book highlights that the origin of Management Principles does not lie in the West but, in our own Indian heritage. This Book is worth a read.

IDEOLOGY

Living Room

Anthony de Mello, SJ



A group of political activists was attempting to show the Master, how their ideology would change the world.

The Master listened carefully.

The following day he said, "An ideology is as good or bad as the people who make use of it. If a million wolves were to organize for justice, would they cease to be a million wolves?"

Media Capital Innovative Model for Survival

CS. Amar Kakaria ACS, ACA, ACWA
amar@fusionadvisors.in



In these dull days of the corporate era large numbers of corporates are endeavouring to survive the current global pressure. They have been looking towards some common known jargons, of the industry, for survival or expansion like merger, acquisition, IPO, private equity, debt funding etc. But these all transactions include the big factor “Cash” which is either to be received or expended by a company following any such corporate action. In such a cash strip situation we recollect the olden days of barter system.... “Cashless transaction”.

The same rule has been devised by some large media houses, in the recent times, as an attractive business model by helping corporates to augment their topline by some brand building exercise in these tough times and even otherwise.

In simple words, the concept is that the company gets a credit limit, from the media house, for advertising its products in the different channels of the media house like television, internet, radio, newspapers, magazines, events etc. Against such credit limit the company dilutes some equity stake in the company, at competitive valuation, to the media house.

Such transactions are proving a boon to the companies as it facilitates to boost their topline growth through advertising and promotions in different media channels. It helps the company to save cash and increases working capital of the corporate house which can even be deployed for other strategic activities.

The company also makes tax savings upto 33% of the actual advertisement credit utilised. It acts as a win-win situation for both the parties, as the company gets media support to enhance its market reach and the media house gets new

client relationship and stake to the extent of credit limit offered.

Apart from the recessionary phase, induction of reputed media equity partners sets a benchmark for future corporate actions and makes the company more attractive for various investors including venture capital funds, FIIs, FIs, Banks, etc. at the time of exploring primary / secondary market options. In furtherance of the tangible benefits some

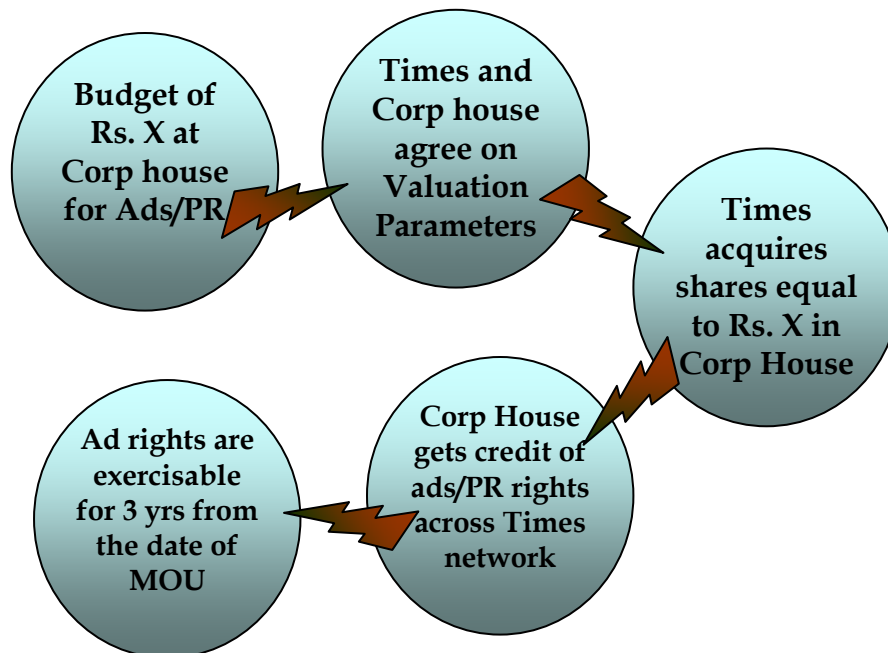
intangible benefits like cross referencing among the investee companies, better public and investor relations, improved brand equity, large market reach etc. can help the company to generate additional business.

Several media companies including Bennett Coleman & Co Ltd (BCCL), HT Media, Network 18, NDTV, Dainik Bhaskar, Dainik Jagran, etc. which are active in this

domain. BCCL has the largest portfolio of 100+ companies across various sectors. Its portfolio also includes large cap companies like Pantaloons, Kingfisher, Sahara, Club Mahindra, HDIL, BAJAJ Hindustan, IndiaInfoline, Birla Power, Vishal Retail, Wockhardt, Emaar MGF, Rajesh Exports, Gitanjali etc.

With the infusion of media capital, especially for SME, can have a far reaching positive impact on the growth of the company in this difficult phase of acute cash crunch and recession.

‘Survival of the fittest’ is the universal principle followed in the world and needless to mention, ‘Media Capital’ can make companies to be more healthy to survive and grow in the ruthless corporate world.





Director: A Misleading Designation

CS. A Padma Venkatesh

Company Secretary, Totem Infrastructure Limited, Hyderabad

Author can be reached at: upadmashenoy@gmail.com

In real practical realm, director is not confined only to company law. The term may be associated with and denote the vocation of the concerned person e.g. film director/mutual fund director/music director/choral director/funeral director. There can be Technical Director/Project Director in a Company without being a Director on the Board of Directors. They are termed as Directors because they are responsible for the particular project or particular department and are treated on par with other employees.

Directors on Board and non-board directors are regular features in large size organisation. Further many companies appoint person with the designation of Associate Director. Whether this kind of appointment means that he will form part of Board of Directors and whether compliance related forms need be filed for him with the Registrar of Companies? And since he is appointed for the day-to-day affairs of the business, will he be considered as Whole Time Director?

Similar confusion arises in the context of the Designation "Chairman". The person so appointed in many cases holds the office perpetually and shall be honorary.

The Companies Act, 1956 stipulates that Chairman of the Board should be one of the members of the Board and Chairman of general meeting (AGM/EGM) need not to be a director of the company; only he/she should be one of the members of company; provisions of Articles do apply. [Rather say, if the chairman of the Board, by chance, is not a member of the company, he cannot chair the general meeting]. So a person not being a director can be chairman of general meeting, but he should be member. However, there are so many companies appointing employees as President, Whole time Director, and Chairman etc; with or without pay.

Clause 50 to 52 of Table A prescribes provisions about appointment of chairman. Accordingly, first chairman of board should be chairman of general meeting. If he is not present then directors present themselves should elect one

of them as chairman. If they are not willing, then members present shall choose one of them as chairman. So it is clear that a person other than director can be chairman of general meeting subject to the provisions made in the Articles of Association of the company. The prudent practice in such cases would be to appoint a Chairman Emeritus** (Honorary Chairman) for both the Board/Company. He need not be a member, but his attendance at Board meetings is questionable. If the position is only honorary and ornamental, one can very well designate the appointee as "Chairman-Emeritus."

One may well always remember the famous lament **Directorship Is A Hazardous Job**. This must have been so intensely felt across the seven seas and readily endorsed by many across the globe. We pride our country moving fast towards globalisation, which would indeed bring to the fore directorship-hazards in the days to come. A reference is drawn to the PALMER'S COMPANY LAW where a caution statement is made to companies that practise designating Non-board members as Directors that "care must be taken to ensure that a person appointed under such provisions does not hold himself out to be a director within the meaning of the Act in his dealings with third parties".

The regulator of company law administration in India has time and again publicly frowned upon and decried the practice under discussions [File No.40/9/75-CL-II dated 25th November,1975][Circular 2/82 dated 20-1-1983 re-emphasised in Circular No. 11 of 1990 dated 29-5-1990]. However, the irony lies in the fact that this circular is recommendatory in nature and not binding on the companies.

Conclusion:

From the Definition of Director as per the Companies Act, a person for whom Form 32 has been filed and appointed as Director may be designated by any other name like CEO etc, but not the other way round.

Directors on Board and non-board directors are regular features in large size organisation. Would it be prudent to designate its non-Board Members as directors and thereby openly indulge into misleading practice and yet claim in its Annual Report the coveted compliance of clause 49 for good corporate governance?

In the modern era of enlightened corporate functioning, would it be prudent for any company functioning in India to designate its non-Board Members as directors and thereby openly indulge into unethical, misleading practice and yet claim in its Annual Report the coveted compliance of clause 49 for good corporate governance? When corporate India is moving towards achieving excellence in corporate governance, such misleading designations should be strictly avoided so that public are not misled.

Article

E-Communication turns serious!

CS. Monika Bhardwaj, B.Com (Hons.), ACS, LL.B (I), Gurgaon
monikabdj@gmail.com



Internet and electronic communications has now become an integral part of our day to day life, from SMS to emails to chats to blogging, you just cannot imagine a single day without e-communication. This is not just true for youngsters but for us, the professionals too and for that matter, everyone. It would not be unrealistic to say of today's generation - "Eat Internet, Think Internet and Sleep Internet". The credit for popularity of the internet goes to e-communication that has made life easy especially when you need to communicate fast, effectively and have to take decisions quickly. It is interesting to note that some of e-communication methods were invented for fun, like e-Chat. However, things have quite changed now.

With the advent of Information Technology Act 2000, legal recognition has been granted to electronic records and electronic communication. Section 4 of this Act says "Where any law provides that information or any other matter shall be in writing or in the typewritten or printed form, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied if such information or matter is- (a) rendered or made available in an electronic form; and (b) accessible so as to be usable for a subsequent reference." Hence, a combined reading of Information Technology Act 2000 and various provisions of Indian Evidence Act 1872 establishes the fact that electronic records can be exhibited and admitted as evidence.

A recent Supreme Court judgment has also made it clear that blogging is a legal communication and the bloggers can be nailed for their defamatory views expressed / contents posted on their blogs. Even disclaimers will not provide any

**Definitions:

- a) *Emeritus (adj.): Retired but retaining professional title. Retired by retaining a professional title, especially as a professor. "he is a professor emeritus of Chemistry").*
- b) *Emeritus (noun): a man who has retired from a post, but retains his former professional title, especially as a professor.*

escape to the bloggers. Accordingly the previously mentioned modes of electronic communication can also make one liable for libel or even prosecution for the contents used therein. Hence, it will not be safe to use disgraceful language or express your frustration with the use of harsh words. You never know when that same language will render you liable and you will need to provide explanations and justifications for it. So it's better to take precautions while communicating electronically.

Therefore it is important that before sending the message just go through it as if it was to be made public and the whole world would read it or hear it, by this, you will automatically come to know what impression that communication will make if it will be presented to a third party.

If you are not careful in communicating, you may be liable for hurting public sentiments, for libel and / or for prosecution under Indian Penal Code. Even your chats can be used against you. E-mails form a vital record in corporate world. Hence, before shooting

a mail to your co-worker or your customer, just look at the consequences if the same mail is forwarded to your manager. You may even render your organization liable.

However, don't take a negative impression that e-communication can only render a person liable, through e-communication you may also escape your liability by well informing / alarming your customers including your management, by giving timely advises which your profession expect out of you. Your communication is valid under law and it will save you in an allegation that you failed in performing your duties.

This article aims to highlight that communications done through electronic mode are now recognized by Indian Law and hold true as an 'evidence' as well as 'contractual liability'.

Dream trip to Edakkal Caves, Kerala

Reported by: Soundarya S, Student, Mysore



Continuing the tradition of 3 years, Mysore Chapter of ICSI had organized an Annual Trip on the 13th September 2009. This time it was to the land of "God's own country – Kerala".

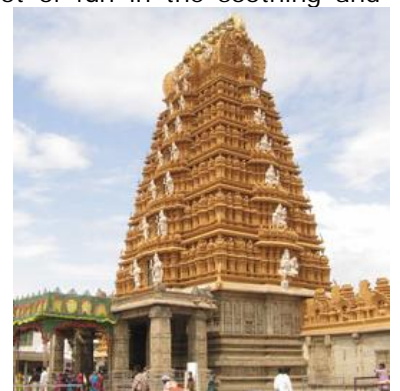
It was a visit to Edakkal Caves situated at Wayanad. About 42 students and members enthusiastically took part in the adventurous trip. While during journey, we sang, danced to foot tapping music, played Anthakshari and Dumb charades, it was filled with many group activities during the rest of the day. The cave in the hill has several wall inscriptions of the pre-historical period. It is believed to be one of the earliest centres of civilisation. The 2 hour trek was really challenging with steep rocks which were risky too.

While sometimes, we had to climb using ropes provided, sometimes it was all about balancing and choosing the best way to reach the top. But it was worth it, for the glimpse from the top, was amazing. The breeze at the top and the view from the top vanished even the smallest speck of strain and tiredness. With a feeling of having accomplished a challenging mission, we captured those moments.

Climbing down the hill, was yet another challenging task. Half the way, we came across a small water spot, the water was so clear and fresh. It helped us relieve half the strain. At the foothill, we re-energised ourselves with a delicious lunch. The winner of the early bird contest was given a gift. We then proceeded to the waters of River Kapila in Nanjangud town in Mysore District. The cool waters was simply irresistible. We had lot of fun in the soothing and refreshing waters. We also enjoyed a ride in the Teppa (a small boat).

We then visited the Nanjundeshwara temple situated on the banks of the river. We then began our journey back to Mysore, which was filled with lots of fun and enjoyment. Just like people are the epicentre in Democracy, the students are the epicentre of Mysore Chapter. The entire trip was organized by the students and for the students. The effort put in by the organizers was evident by the way the entire day sailed without any hitches. Each of us could feel the dedication, planning done by the organizers in making it a successful event.

It was indeed a dream trip to one of the finest places in India. Though the day came to an end, the memories of the trip will definitely last for a life time!!





Customs

Notifications/Circulars

Refund of ADC in lieu of VAT/ sales tax can be sanctioned even when imports are assessed to duty provisionally.

Commissioner of Customs (Import) Nhava Sheva, Public Notice No. 44/2009 dated 16/07/2009

Benefit of advance ruling extended to public sector companies and to residents proposing to import goods.

Notification No. 124/2009 (NT)-Cus dated 20/8/2009

Case Law: Transaction Value (TV)

TV of imported goods cannot be enhanced on the basis of the values of contemporaneous imports of goods.

CC Vs. Amartex Industries Ltd. (2009 (240) ELT 152)

Holding of shares by foreign supplier in the Indian importer-company cannot be the reason for rejecting the TV of imports.

Vikem Metalkat Pvt. Ltd. Vs. CC (2009 (240) ELT 127)

Capital goods procured by the Developer /Co-developer for undertaking in the SEZ can be cleared back to the DTA without payment of duty.

M.C. & I. (D.C.), (SEZ Section), Instruction No. 32 dated 17/8/2009

Central government has issued guidelines for use of duty free material for manufacture of capital goods for captive use by 100% EOUs.

DGEP Circular No. 22/2009 dated 19/8/2009

News

Withholding refund of tax on notified services consumed for export of goods shall be subjected to departmental action.

www.taxindiaonline.com dated 9/8/2009

Case Law

Capital goods under FTP

The Tribunal has held that the term 'capital goods' has a very wide connotation in terms of the Foreign Trade Policy and gas imported along with gas Suppression System would be considered as capital goods and entitled for concessional customs duty in terms of the EPCG scheme. The Tribunal has further held that once the DGFT has issued an EPCG licence for a particular product, it is not open to the customs authorities to question such licence.

Reliance Communication Infrastructure Ltd. Vs. CC (2009(240) ELT 461)

Good imported by a DTA unit on which CENVAT credit was availed can be cleared to 100% EOU without charging excise duty.

Notification No. 22/2003-CE dated 1/3/2003.

Antidumping Duty: Notifications

Provisional anti-dumping duty has been imposed on polypropylene, originating in, or exported from Oman, Saudi Arabia and Singapore; - carbon black originating in, or exported from the Australia, China PR, Russia and Thailand.

Customs Notification No. 82/2009 dated 30/07/2009 and 83/2009 dated 30/07/2009

CENVAT

Case Law: Manufacture/Dutibility

4% Additional Duty of Customs (ADC) in lieu of sales tax would be payable by 100% EOUs enjoying State specific sales tax exemption.

Moser Baer India Ltd. Vs. CCE (2009 (240) ELT 25)

Department is not permissible to demand excise duty if service tax is paid on processing activities.

Osna Chemical Pvt. Ltd. Vs. CCE (2009 (240) ELT 115)

Valuation

Under the definition of new transaction value, expenses in relation to loading of excisable goods within the factory for clearance to a buyer are liable to be included in the value of the goods.

CCE Vs. Supreme Petrochem Ltd. (2009 (240) ELT 38)

The Tribunal has held that the value in respect of goods cleared to depots should be based on the price prevailing in the depots for such goods on the day of removal from the factory.

Nahar Spg. & Wvg. Mills Ltd. Vs. CCE (2009 (93) RLT 281)

Buyer and seller cannot be considered as related persons merely for the reason that the entire production is sold to one person.

Interbright Appliances Private Ltd Vs. CCE (2009 (240) ELT 592)

CENVAT/MODVAT

CENVAT credit is admissible on feeder electric cables.

Synthetic Packers Pvt Ltd Vs. CCE, (2009 (240) ELT 235)

Availment of CENVAT credit on capital goods to the extent of 50% each year applies to the education cess as well.

DCW Limited Vs. CCE (2009 (93) RLT 295)

The credit availed in relation to inputs cannot be denied merely for the reason that such inputs have already been used in the manufacture of dutiable goods.

CCE Vs. CESTAT (2009 (240) ELT 367)

Others

Interest liability under Section 11AB on erroneous availment of credit would arise from the date of utilization of such credit.

Punjab and Haryana High Court, in Ind- Swift Laboratories Ltd Vs. Union of India (2009 (240) ELT 328)

Refund claims cannot be rejected on the ground of unjust enrichment.

CCE Vs. Lanco Industries Limited (2009- TIOL-1248)

Service Tax

Notification/Circulars

Definition of India Amended under Export of Services Rules, 2005 to include installations, structures and vessels in the entire Continental Shelf of India and the Exclusive Economic Zone of India.

Notification No.25/2009-ST dt. 19.08.2009

Advance ruling scheme extended to all public sector companies.

Notification No.27/2009-ST dt. 20.08.2009

Compensation for Managing Directors would not be liable to service tax.

Circular No. 115/09/2009 -ST dt. 31.07.2009

Case Law

Advertisement / marketing services procured by a manufacturer of specified intermediate products are eligible input services.

M/s Coca Cola India Pvt Ltd Vs. CCE (2009 (21) STT 285)

Service tax paid on security services used in the colony, transport services for employees and guest house maintenance services are all eligible input services.

CCE Vs. Hindustan Zinc. Ltd. (2009 (21) STT 285)

For the applicability of a particular notification, the key would be time of rendition of services.

Santosh Associates Vs. CST (2009 (93)RLT 348)

Only transport booking agents were covered under the taxable category of Goods Transport Agency.

CCE Vs. Kanaka Durga Agro Oil Products Pvt. Ltd. (2009 (15) STR 399)

Canteen services, rent a cab services and group health insurances services

of factory workers are all eligible 'input services'.

Stanzen Toyotetsu India (P) Ltd. Vs. CCE (2009 (21) STT 321)

Sales Tax

Case Law

Excise duty shall form part of the turnover for the purpose of determination of sales tax liability.

M/s United Distillers Ltd. Vs. Commissioner of Commercial Taxes, Bihar (BRLJ 2009 324)

Merely on the basis of the description on the debit note cannot be concluded that the transaction constitutes a "right to use goods".

M/s Diageo India Pvt. Ltd. Vs. State of Maharashtra (2009 MTJ (40) 285)

Mere existence of a prior purchase order or contract cannot constitute as an inter-State sale.

Tata Motors Pvt. Ltd. Vs. State of Jharkhand [(2009) 24 VST 167 (CSTAA)]

News Updates: Catch up with the Developments

From Anand Wadadekar, Pune

Direct Tax Code Bill is likely to be introduced in **Winter Session** of Parliament.

Use of third party ATMs restricted by RBI to Rs 10,000 per transaction and limited the number of such transactions to five a month.

Maharashtra pips Gujarat to top investment charts: As per RBI, in '08-09, investors favoured Maharashtra the most, with the state capturing 20.6% of the total investment proposals followed by Gujarat, Orissa and AP.

Interest Rate Futures on NSE: Interest Rate Futures were launched on NSE on Monday, 31st August 2009.

Mobile Booking of LPG: Petroleum Minister Murli Deora on August 31 launches mobile service for booking LPG via SMS, which will be initially available in the national capital and would be extended to other metropolitan cities.

'Class Action lawsuit' concept to be introduced in Companies Bill 2009 which is likely to be introduced in the current session of Parliament.



ICSI National Convention: 37th National Convention of Company Secretaries of India will be held from November 5-7, 2009 at Hyderabad.

WTO: 'Breaks Impasse' in Doha Talks:

A meeting of trade ministers from more than 30 countries held in New Delhi, India last week produced a 'unanimous' resolve to push ahead in the negotiations, but the officials hide away from discussing the technicalities of the talks, where the real work remains to be done. The meeting, held on 3 and 4 September, was meant to inject momentum into the talks ahead of a G20 heads of state summit to be hosted by the US in Pittsburgh on 24 and 25 September.

Trade ministers said the negotiations will have to maintain some of the momentum they picked up at the Delhi meeting if negotiators are to finalise a global trade deal before the end of 2010, the goal set by G8+G5 heads of state at a summit in Italy in July 08. [Source: ICTSD](#)

Where to get Management Training: With a PCS or at a Company? Part 2

This is one common question which lingers in a students' mind: where shall I go for management Training – to a Practicing Company Secretary or to a company? Here in the second set of views from the experts to enable you to decide:



This decision is based on your Interest. If you intend to be a PCS in future, then you should join a PCS. You should also decide the area of practice; whether only Company Law or other laws. You should give your best by taking up initiatives. A lot depends on the PCS who should give a free hand to the students to interact and not just do routine things only. This will enable the students to know the happenings of Corporate world.

For students who wish to be in employment, it is advisable to join a corporate sector. This would expose them to legal and financial aspects. You should also try to interact/ share with students pursuing training with PCS to ensure continuous learning to both the students."

CS. Nagendra Rao,
Chairman, ICSI – Bangalore Chapter

Think CORPORATE; think the codes and practices. If you want to mould yourself as a corporate person and understand corporate culture, you can opt for Training in a company. You will be able to learn, how to file forms, record minutes, communicating with shareholders, convene meetings, etc.

Think PRACTICE; think interpersonal relationships, handling tasks independently, core secretarial practices. If you want to go places, meet persons then you can opt for Training with a PCS. Particularly, you can get exposure in areas like due diligence, mergers, RoC practices, etc...

This is just the pros & cons, rather the style of exposure in the options available, keep choosing.

- **CS. Vijay A.N.S.,** PCS, Chennai

Truly though the question seems quite nominal, it influences the career of upcoming professionals of our fraternity. I personally feel that this decision is circumstantial. In my case, since I was not permitted to leave my home town, I had to make a choice out of best available options at my home town. So, I was compelled to opt for a company. Else I would have opted for a law firm or CS Firm. That would have given wider exposure than a company.

- **CS Shruthi Agarwal,** PCS, Kanpur

The assignments handled by PCS are out of reach of Companies either because of its complexities or new of its kind. Though works may seem repetitive, every work will have some uniqueness. The knowledge acquired is exhaustive and incomparable with companies. PCS is the platform to nurture your passion towards CS. Even if you want to continue your career with a corporate, training with PCS is the right platform of knowledge. This is the right place to quench your thirst for knowledge.

However generally, firms are not professionally managed though managed by professionals. Stipend will be relatively less. Working schedules will be tight. Before joining; do some home work by enquiring with fellow students and seniors. Though a PCS may be knowledgeable he may not keep the trainees in good humour.

- **CS. Sri Raj M,** PCS, Bangalore.

Getting Ready for Exams...

It's September, and so is it the preparation time for the examinations. Does preparing for exams or facing the exams or its results make you nervous? Here's some tips for you...

Many students experience some nervousness or apprehension before, during, or after an exam.

This kind of anxiety can be a powerful motivator. However, for some students it can lead to poor performance and interfere with their learning. Fortunately, test anxiety is manageable.

Be prepared: Practice, keep your practice on... practice... study... study... study. Sounds a bit repetitive, but **nothing can help reduce anxiety like confidence.**

In fact, if you over-prepare a bit, your responses become more automatic. Preparation for an exam may include improving your study and test-taking skills. Keep a positive attitude. Have reasonable expectations; do not allow your grades to become dependent on the outcome of one exam; set up a system of rewards for dedicated studying and good test performance; encourage yourself.

Relaxation techniques: Deep breathing exercises, imagery and visualization, and muscle relaxation techniques can help to increase focus and concentration; don't arrive too early or get distracted by others preparing for the test; check to make sure you have everything you will need.

MOST IMPORTANT!!

Be healthy: If you are physically and emotionally exhausted, your body and mind are less able to tolerate stress and anxiety. You can improve your resistance to anxiety by getting adequate rest, eating appropriately, and taking care of your physical health.

Above all, go and take the world by its horns, you will be the winner!!

Courtesy: Mrs. Thara Ravikumar